

**VILLAGE OF JOHNSBURG
JUNE 6, 2013 REGULAR MEETING OF THE
PRESIDENT AND BOARD OF TRUSTEES**

President Hettermann called the meeting to order at 7:31 p.m. in the Village Hall.

Attendees

Trustee John Huemann
Trustee Kevin McEvoy
Trustee Mary Lou Hutchinson
Trustee Janice Sisk
Trustee Greg Klemstein
Trustee Rich Janusz
Village Attorney Michael Smoron
Police Chief Keith VonAllmen
Special Project Coordinator Rick Quinn

OMNIBUS AGENDA –Trustee Sisk moved to approve the Omnibus Agenda. Trustee McEvoy seconded the motion. Trustee Hutchinson requested the removal of the minutes. Trustees McEvoy, Sisk, Huemann and Klemstein voted aye on the remaining Omnibus Agenda items. Trustees Hutchinson and Janusz abstained. Motion carried.

OMNIBUS AGENDA

- Move to approve the minutes of the May 16, 2013 Regular Meeting of the President and Board of Trustees (removed)
- Move to approve pay request #3 to Glenbrook Excavating and Concrete Inc. in the amount of \$94,617.52 for the Fairview Phase II Sewer Construction project.
- Move to approve payment in the amount of \$4,175.98 to HR Green for the Fairview Phase II Sewer Construction Project.

- **DISBURSEMENTS**

• General Fund	\$160,856.63
• Debt Service	\$ 1,470.00
• Land and Building	\$
• Waterworks/Sewerage Fund	<u>\$ 2,555.11</u>
• TOTAL OF ALL FUNDS	\$164,881.74

MINUTES - Trustee McEvoy moved to approve the minutes. Trustee Huemann seconded the motion. Trustees McEvoy, Sisk, Huemann and Klemstein voted aye. Trustees Hutchinson and Janusz abstained. Motion carried.

PYROTECHNIC DISPLAY - Trustee McEvoy moved to approve a permit for a pyrotechnic display requested by Gary Rabine. Trustee Huemann seconded the motion. President Hettermann confirmed that all of the required documentation has been submitted. Trustee Huemann questioned if there are any concerns from the neighbors. Mr. Rabine stated that he has notified all of his neighbors about the display and no concerns have been raised. All Trustees voted aye on the roll. Motion carried.

PRESIDENT'S REPORT - President Hettermann recommended the appointment of Ken Calhoun and Audrey Ullrich to the Community Affairs Committee. The Board unanimously concurred with the appointments. President Hettermann asked the board to notify Ms. Peters as to whether or not they will be attending the State of the Village dinner which is being held on June 18th at the Johnsburg Community Club. He further reported that the Village has received a grant in the amount of \$22,000 to purchase 13 radios for the police department. Chief VonAllmen informed the board that the expenditure will be included on the next board agenda.

ORDINANCES – FIRST READS

SECTION 14 AMENDMENTS - The Board discussed Ordinance 13-14-03 amending Section 14 of the Johnsburg Zoning Ordinance. Attorney Smoron explained that the ordinance strikes language that limits a variance to six months. He further explained that variances run with the land and establishing a time limit creates a conflict with statute.

CODE OF CONDUCT - The Board discussed Ordinance 13-14-05 which provides for the addition of a Code of Conduct in Chapter 2 of the Johnsburg Municipal Code. Trustee Huemann questioned if the language is consistent with what is established in other municipalities. President Hettermann explained that it is basically the same language recently adopted by the Village of Lakemoor. Trustee Sisk offered that to withhold pay would be illegal. Attorney Smoron explained that it is his understanding that labor regulations prohibit the withholding of pay from employees however he believes it would not apply in this instance as elected officials are not considered employees. Trustee Janusz stated that he finds the ordinance to be extreme. Trustee Hutchinson stated codes of conduct are not unusual and pointed out that they are a very common business practice. She added that Village employees are already subject to codes of conduct and pointed out that there have been instances in the past in which elected officials have not conducted themselves appropriately. Trustee Huemann suggested that committee members should be included as well. Trustee Hutchinson questioned if there is an instance in which an elected official can be removed from office. Attorney Smoron stated that it can occur but in limited instances such as in the case of official misconduct. Language adding committee members will be incorporated into the ordinance for consideration at the next meeting.

LORCH VARIANCE - The Board reviewed Ordinance 13-14-06 approving a side yard variance for the property at 1205 Hayden Drive. No questions were raised by the board and the matter will be included for consideration on the next board agenda.

NEW BUSINESS

ANGELO'S MARKET - Trustee Huemann moved to approve Ordinance 13-14-07 authorizing an Economic Incentive Agreement between the Village of Johnsburg and Angelo's Market, Inc. Trustee Janusz seconded the motion. President Hettermann explained that most of the improvements identified in the original agreement have been completed and the owners of Angelo's Market are asking the board to consider a reimbursement based upon the work completed to date. He further explained that property ownership issues prevent them from pursuing some of the improvements at this time but they do hope to complete them in the future. Trustee Huemann suggested that a two year deadline providing for additional reimbursement be incorporated into the agreement should the additional improvements be pursued. The board agreed to incorporate a two year time limit from the date of the board's approval. All Trustees voted aye on the roll. Motion carried.

PUBLIC WORKS EMPLOYMENT - Trustee McEvoy moved to approve the change in employment status from part-time to full-time for Nick Wartell at a salary of \$15.00 per hour. Trustee Sisk seconded

the motion. President Hettermann explained that Mr. Wartell has been with the Village in a seasonal/part-time capacity for a few years and he is filling a vacant position created by the resignation of Mr. Boswell in the Public Works department. He added that Mr. Wartell has a permit to obtain his CDL license and upon acquiring it his pay will be raised to \$16.00 per hour. All Trustees voted aye. Motion carried.

2013 ROAD PROGRAM - Trustee McEvoy moved to waive bids for the resurfacing of an additional portion of Fairview Avenue and for the patching and resurfacing of certain areas of Johnsbury Road. Trustee Sisk seconded the motion. Trustee McEvoy explained that the lineal footage incorporated into the original bids unintentionally left out a portion of Fairview Avenue which needs to be resurfaced. Additionally, after the program was originally bid, the spring thaw caused much deterioration of portions of Johnsbury Road which need to be addressed before they become more costly repairs. He explained that the Village received advantageous bids in this year's program by putting it out to bid early and partnering with McHenry Township therefore it is recommended that we add the additional footage on Fairview Avenue and the deteriorating sections of Johnsbury Road to this year's program. Trustee McEvoy stated that he spoke with both Ms. Peters and Trustee Hutchinson who have confirmed that funds are available through the Capital Plan to cover the cost. All Trustees voted aye on the roll. Motion carried.

Trustee McEvoy moved to accept the proposal from Peter Baker and Sons in the amount of \$55,860 for the resurfacing of an additional portion of Fairview Avenue and for the patching and resurfacing of certain areas of Johnsbury Road and the proposal in the amount of \$4,140 from HR Green for the related engineering and construction observation services. Trustee Huemann seconded the motion. All Trustees voted aye on the roll. Motion carried.

ADJOURNMENT - Trustee McEvoy moved to adjourn the meeting. Trustee Janusz seconded the motion. All Trustees present voted aye. Motion carried at 8:20 p.m.

Respectfully Submitted

Claudett E. Peters
Village Administrator